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102-347

# DESIGNATION OF A CHIEF MINORITY AFFAIRS OFFICER IN THE DEPARTMENT OF VETERANS AFFAIRS

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NOVEMBER 22, 1991.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. MONTGOMERY, from the Committee on Veterans' Affairs, submitted the following

## REPORT

[To accompany H.R. 3327]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 3327) to amend title 38, United States Code, to provide for the designation of an Assistant Secretary of the Department of Veterans Affairs as the Chief Minority Affairs Officer of the Department, having considered the same, reports favorably thereon without amendment, by unanimous voice vote, and recommends that the bill do pass.

### INTRODUCTION

H.R. 3327, a bill to provide for the designation of an Assistant Secretary of the Department of Veterans Affairs as the Chief Minority Affairs Officer of the Department, was introduced by Mr. Montgomery and Mr. Rangel on September 12, 1991. The Committee considered H.R. 3327 on November 13, 1991 and ordered it favorably reported without amendment.

### BACKGROUND

Veterans benefits are intended to compensate for the adverse incidents of military service which may affect a veteran's ability to attain employment and other opportunities afforded to non-veterans, and to express the gratitude and respect of a grateful Nation which has benefited so much from the service of persons in the Armed Forces. Veterans benefits are available without regard to race or ethnic background of the recipient. The availability of bene-

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fits, particularly educational assistance, which began with the World War II GI Bill, to veterans of the Armed Forces has had a significant effect on the educational attainment and economic status of many veterans, especially minority veterans.

A recent hearing held by the Subcommittee on Education, Training, and Employment examined the racial composition of today's Armed Forces and the effect of military service on minorities. A study presented by the Congressional Budget Office found that the American military today is "broadly representative" of American society as a whole in terms of socioeconomic status, and that the middle class is well represented in the enlisted ranks of the military, but that racial minority groups "continue to be overrepresented among recent recruits, as has been true through most of the period of the volunteer military."

The Department of Defense reported on a 1989 study of recruits in basic training which found that black Americans voluntarily enlist in the Armed Forces at higher rates than their representation in the American population, and that black servicemembers' reenlistment rate, an important factor affecting the racial composition of the Armed Forces, is higher than the rate for whites. According to this DOD study, in fiscal year 1990 blacks made up almost 23 percent of the Armed Forces enlisted end strength; the range for individual services varied from 17.6 percent in the Air Force to over 32 percent in the Army.

According to a GAO report based on Defense Manpower Data Center information, the percentage of white enlisted personnel has declined from 83.5 percent of enlisted personnel in 1971 to 67.4 percent in 1990. A more recent DOD study to assess the effect of military service on black, Hispanic, and white youth during the All-Volunteer Force era found that blacks and Hispanics are far more likely to complete their first Army tour than similarly qualified whites, and much more likely to reenlist.

Black and Hispanic men in the military earn an average of $4,665 and $2,900 more, respectively, than their civilian peers. However, for minorities, the results are different upon discharge from the military. The earnings of blacks drop after discharge, although the civilian earnings of young minority veterans are not significantly different from the earnings of comparable young men who never served.

Other studies have assessed the long-term effects of military service. A study to assess the readjustment problems of Vietnam veterans completed in 1988 found significantly higher rates of post traumatic stress disorder symptomatology and war zone stress exposure among black male veterans who served in Vietnam than among other comparable male racial and ethnic groups. It has been reported by the Bureau of Labor Statistics that only 15 percent of black Vietnam-era veterans had completed four years of college, compared to nearly 30 percent of white veterans. The Bureau also reported that black veterans are far more likely to be unemployed than white veterans.

A significant change in the role of women in the Armed Forces is reflected in the fact that women constitute 4.3 percent of the veteran population, and that women comprise 11 percent of the total active force, a dramatic increase from 1.9 percent in 1972. Since

1987, the Subcommittee on Oversight and Investigations has held three hearings on the status and concerns of women veterans. Those hearing records provide very useful information on the utilization of veterans benefits by women and other minority veterans, and on progress in removing obstacles to greater utilization of benefits in the future. The hearings provide evidence of significant progress in VA efforts to correct the historical record of neglect of the needs of women veterans, particularly in the availability of health care services.

CURRENT ORGANIZATION OF THE DEPARTMENT OF VETERANS AFFAIRS

The Department of Veterans Affairs Act, Public Law 100-527, provides the statutory basis for the current organization of the Department of Veterans Affairs. The legislative history of that Act relates that to a very great extent the Congress chose to leave the organization of the Department largely as it had evolved over the 58 years since the creation of the Veterans' Administration in 1930. Except for changes in titles, the principal officers of the Department were almost identical to the principal officers of the VA. In order to reflect the primary importance of the three direct service-providing units of the Department (the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery System), the Congress deemphasized the role of officials below the level of Deputy Secretary. Similarly, the emphasis on appointing career employees to vital deputy assistant secretary positions, and limiting the number of non-career senior executives and schedule C employees, resulted from a Congressional determination to keep the Department's organization relatively free from undue political influence.

Section 4 of the Act, now codified at 38 U.S.C. section 308, authorizes not more than six Assistant Secretaries in the Department and gives to the Secretary the authority to assign functions and duties to these officers. The functions and duties which may be assigned to one or more Assistant Secretaries include "[e]qual opportunity functions . . . [f]unctions regarding the investigation of complaints of employment discrimination within the Department" and "[f]unctions regarding intergovernmental, public, and consumer information and affairs." When the Secretary initially assigned functions and duties to the first Assistant Secretaries to hold those positions, he assigned to the Assistant Secretary for Veterans Liaison and Program Coordination the responsibility for assuring contact with minority veteran groups and for developing policies to assure that veterans have access to VA benefits and programs. A Deputy Assistant Secretary was assigned the responsiblity of serving as liaison with minority veteran groups. In a subsequent reorganization of the functions and duties of the various Assistant Secretaries, the position of the Assistant Secretary for Veterans Liaison and Program Coordination was eliminated, and the Deputy Assistant Secretary for Veterans Liaison was eliminated.

In an effort to obtain additional information about, and recommendations for improvement in, the utilization of veterans benefits by minority veterans and other special groups of veterans, the Congress has required the Secretary of Veterans Affairs to establish

several advisory committees. The committee believes that these advisory committees have served a very useful purpose in documenting unique problems faced by certain minority veterans. However, a concern expressed by members of at least one of these advisory committees is that there is no central figure responsible for assuring that changes which the Secretary has found to be necessary to achieve greater accessibility of veterans benefits are in fact implemented in a timely manner.

In recommending this legislation, the committee does not intend to imply that the Department has ignored any of its statutory responsibilities for insuring that benefits or employment opportunities are provided to minorities in a neutral manner, without regard to sex, race, or ethnic background. However, by the Department's own admission, the responsibility for policies affecting minorities is fragmented throughout the Department; given the recent reorganization of the functions of the Assistant Secretaries, it does not appear that any high-level official is responsible for monitoring Department activities and policies which affect minorities. While the Veterans Benefits Administration and the Veterans Health Administration have made several commendable efforts to provide outreach to Native American black, women and Hispanic veterans, it is difficult to assess the results of such efforts, or to determine whether the Department is approaching the issue of underutilization in the most effective manner. The committee believes that assigning the responsibility for attaining a significant level of expertise and sensitivity to minority issues at the Assistant Secretary level will have the same beneficial effect as other existing provisions of law which call for a Chief Financial Officer and a Chief Information Resource Officer.

## Discussion of the Reported Bill

The reported bill would add a new section 317 to title 38 of the United States Code. This section would require the Secretary of Veterans Affairs to designate one of the existing six Assistant Secretaries as the Chief Minority Affairs Officer (CMAO) of the Department. Existing provisions of law (sections 309 and 310) require the Secretary to designate one of the existing Assistant Secretaries as the Chief Financial Officer and the Chief Information Resources Officer. Under the reported bill, the CMAO would be responsible for investigating the policies and activities of the Department as they affect minority group members who are veterans or who receive benefits from the Department and advising the Secretary whether the policies and activities affect the participation by minority veterans in the activities and benefits administered by the Department. The Chief Minority Affairs Officer, although not directly responsible for the operation of the three service units providing direct services to veterans and their families, would function as the principal official in the Department on matters affecting minorities. The CMAO would be the Department source of information about minorities and utilization of veterans benefits by minorities, and would advise the Secretary and the heads of VHA, VBA, and the National Cemetery System, of appropriate means of increasing such utilization. The CMAO would also be responsible for

recommending changes in existing law to remedy documented instances where the law has made utilization of benefits and programs more difficult for members of minority groups. The bill would also require a report every two years on the activities and policies of the Department relating to minority group members who are veterans and on the performance and activities of the CMAO.

## Oversight Findings

No oversight findings pertaining to the subject of this bill have been submitted to the Committee by the Committee on Government Operations

## Congressional Budget Office Cost Estimate

The following letter was received from the Congressional Budget Office concerning the cost of the reported bill:

Congressional Budget Office
U.S. Congress,
*Washington, DC, November 14, 1991.*

Hon. G.V. Montgomery,
*Chairman, Committee on Veterans' Affairs,*
*House of Representatives, Washington, DC.*

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 3327, a bill to provide for the designation of an Assistant Secretary of the Department of Veterans Affairs (VA) as the Chief Minority Affairs Officer of the Department, as ordered reported by the House Committee on Veterans Affairs, November 13, 1991. Because the bill would not affect the VA employment level or significantly increase agency responsibilities, we have determined that H.R. 3327 should not have a significant impact on the federal budget. Furthermore, the bill would not affect direct spending or receipts, so pay-as-you-go procedures would not apply. Finally, H.R. 3327 should have no effect on the budgets of state and local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is K.W. Shepherd, who can be reached at 226–2820.

Sincerely,

Robert D. Reischauer,
*Director.*

## Inflationary Impact Statement

The reported bill would have no inflationary impact.

## Department Views

The committee received the following letter from the Secretary of Veterans Affairs on the reported bill:

DEPARTMENT OF VETERANS AFFAIRS
THE SECRETARY OF VETERANS AFFAIRS,
*Washington, DC, November 12, 1991.*

Hon. G.V. MONTGOMERY,
*Chairman, Committee on Veterans' Affairs,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am pleased to respond to your request for the views of the Department of Veterans Affairs (VA) and our estimate of costs concerning H.R. 3327, a bill "To amend title 38, United States Code, to provide for the designation of an Assistant Secretary of the Department of Veterans Affairs as the Chief Minority Affairs Officer of the Department."

The VA opposes the enactment of H.R. 3327 for the reasons explained below.

We interpret this bill as an attempt to place new emphasis on minority veteran/ beneficiary issues related to VA-conducted, and federally assisted programs, in which veterans and/or their beneficiaries participate. However, the eligibility requirements for veterans benefits are set out in specific laws which mandate that we administer programs based upon eligibility criteria, not on the basis of race or gender.

Further, we believe the intent of the bill to ensure participation can be fully met within existing resources.

At the present time, many of the groups addressed by the proposed legislation receive assistance through outreach efforts and specific programs initiated by the VA. Special efforts are made to reach female and Native American veterans. Outreach programs to the homeless result in contact with all minority groups listed in the proposed legislation. Pamphlets and letters written in Spanish are already an integral part of outreach efforts and notification procedures. Veterans advisory boards evaluate local needs and initiate support programs specific to each part of the country. These programs are coordinated through the Veterans Assistance Service in VA Central Office and the Veterans Services Divisions at the 58 regional offices throughout the United States, Puerto Rico, and the Philippines.

Mandating centralization of outreach efforts could undermine efforts currently undertaken by the regional offices. These local initiatives, focused on the familiar needs of a known population, often have valuable applications at the national level.

Concomitantly, we note that VA's Office of Equal Employment Opportunity's program for veterans currently operates at a limited level. Given that major program areas already operate effective outreach efforts to those veterans, we believe the aggressive central oversight program for all veterans' minority/benefit issues envisioned by this bill would result in costly duplication of effort. Resources in our Office of Equal Employment Opportunity should not be stretched to accommodate a function already operating effectively at the VA.

In conclusion, veterans benefits are to be made available to *all* honorably discharged veterans regardless of their rank, branch of service, sex, race, creed or national origin. Legislative action to place special emphasis on certain categories of veterans would be

contrary to the long standing tradition of equality among all veterans, and redundant of efforts already underway to ensure participation by all those entitled to participate.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this report on H.R. 3327 to the Congress.

Sincerely,

EDWARD J. DERWINSKI.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

# TITLE 38, UNITED STATES CODE

## PART I—GENERAL PROVISIONS

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### CHAPTER 3—DEPARTMENT OF VETERANS AFFAIRS

Sec.
301. Department.
302. Seal.

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*317. Chief Minority Affairs Officer.*

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***§ 317. Chief Minority Affairs Officer***

*(a) The Secretary shall designate the Assistant Secretary in the Department whose functions include equal opportunity functions as the Chief Minority Affairs Officer of the Department.*

*(b) The Chief Minority Affairs Officer shall have the following duties:*

*(1) To investigate and examine the policies, regulations, programs, and other activities of the Department as the activities affect minority group members who are veterans or receive benefits from the Department.*

*(2) To assess the needs of minority group members who are veterans or who receive benefits from the Department as those needs relate to the activities of, and benefits provided by, the Department and to evaluate the manner and extent to which the activities of, and benefits provided by, the Department fulfill those needs.*

*(3) To advise the Secretary regarding the effect on minority group members of policies, regulations, programs, and other activities of the Department and of methods to ensure that minority group members are afforded an opportunity to participate fully in the activities and benefits of the Department.*

*(4) To carry out any additional functions and activities that the Secretary prescribes with regard to minority group members who are veterans or who receive benefits from the Department.*

*(c) In this section, the term "minority group member" means an individual who is—*

*(1) Asian American;*

*(2) Black;*

*(3) Hispanic;*

*(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian); or*

*(5) female.*

*(d) Not less than every two years, the Secretary shall submit to the Congress a report containing a detailed description of any activities and policies of the Department relating to minority group members who are veterans or who receive benefits from the Department and the duties of the Chief Minority Affairs Officer, with respect to the previous 2-year period.*

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